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Attorneys for GOOGLE LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GOOGLE LLC,
Plaintiff,
vs.
SONOS, INC.,
Defendant.

CASE NO. 3:20-cv-06754-WHA
Related to CASE NO. 3:21-cv-07559

**DECLARATION OF MARC KAPLAN IN
SUPPORT OF GOOGLE LLC'S BRIEF
SHOWING CAUSE WHY THE COURT
SHOULD NOT ENTER SUMMARY
JUDGMENT SUA SPONTE OF VALIDITY
OF THE '885 PATENT**

1 I, Marc Kaplan, declare and state as follows:

2 1. I am an attorney licensed to practice in the State of Illinois and have been admitted *pro
hac vice* in this matter. I am a partner at Quinn Emanuel Urquhart & Sullivan LLC representing
3 Google LLC (“Google”) in this matter. I make this declaration in support of Google’s Brief Showing
4 Cause Why the Court Should Not Enter Summary Judgment *Sua Sponte* of Validity of the ’885 Patent
5 (“Brief Showing Cause”). If called as a witness, I could and would testify competently to the
6 information contained herein.

7 2. Attached as Exhibit 1 is a true and correct copy of an excerpt of the Rebuttal Expert
Report of Dr. Kevin C. Almeroth for “Patent Showdown” dated July 27, 2022.

8 3. Attached as Exhibit 2 is a true and correct copy of an excerpt of a document produced
by Google in these matters bearing the Bates number GOOG-SONOS-NDCA-00108095.

9 4. Attached as Exhibit 3 is a true and correct copy of an excerpt of the transcript from the
10 June 6, 2022 deposition of Robert Andrew Lambourne.

11 5. Attached as Exhibit 4 is a true and correct copy of Exhibit 1077 from the June 6, 2022
deposition of Robert Andrew Lambourne.

12 6. Attached as Exhibit 5 is a true and correct copy of Exhibit 1078 from the June 6, 2022
deposition of Robert Andrew Lambourne.

13 7. Attached as Exhibit 6 is a true and correct copy of the Opening Expert Report of Dr.
Dan Schonfeld Regarding Claim 1 of U.S. Patent No. 10,848,885 dated June 22, 2022.

14 8. Attached as Exhibit 7 is a true and correct copy of Exhibit 6 from the June 6, 2022
deposition of Robert Andrew Lambourne.

15 9. Attached as Exhibit 8 is a true and correct copy of Exhibit 8 from the June 6, 2022
deposition of Robert Andrew Lambourne.

16 10. Attached as Exhibit 9 is a true and correct copy of a document produced by Sonos in
these matters bearing the Bates number SONOS-SVG2-00026839.

17 11. Attached as Exhibit 10 is a true and correct copy of Provisional Patent Application
Appendix A.

12. Attached as Exhibit 11 is a true and correct copy of an excerpt of Attachment A to Sonos's Second Supplemental Responses and Objections to Google's First Set of Interrogatories dated February 4, 2022.

13. Attached as Exhibit 12 is a true and correct copy of the Supplemental Expert Report of Dr. Dan Schonfeld Regarding Claim 1 of U.S. Patent No. 10,848,885 dated August 29, 2022.

I declare under penalty of perjury that to the best of my knowledge the foregoing is true and correct. Executed on September 15, 2022, in Chicago, Illinois.

DATED: September 15, 2022

By: /s/ Marc Kaplan
Marc Kaplan

1 **ATTESTATION**

2 I, Charles K. Verhoeven, am the ECF user whose ID and password are being used to file the
3 above Declaration. In compliance with Civil L.R. 5-1(h)(3), I hereby attest that Marc Kaplan has
4 concurred in the aforementioned filing.

5
6 /s/ *Charles K. Verhoeven*

7 Charles K. Verhoeven

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